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002/007

BEFORE THE UNITED STATES PATENTS
AND TRADEMARKS OFFICE

Inventor: Stephen Fitzgerald et al
Serial No: 10/672,060
Filed: September 29, 2003
Title: TUBULAR BASEBALL BATS WITH VARIABLE
BARRELS
Confirm. No.: 4727
Art Unit: 3711
Our File: CECOM-04.US (2043-3-04-10)

June 14, 2007

By fax only: 571-273-8300

Mail Stop Amendment
The Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Response after Final Office Action

This letter is in Response to the Examiner's Final Office Action of July 14, 2006.

On November 9, 2006 a Request for Continued Examination was filed in respect of this application. A notice of improper request for continued examination issued on November 27, 2006. However, pursuant to a telephone conversation of December 13th, 2006, Ms. Erica Miller, supervisor of Technology Center 2800 indicated that the notice of improper request for continued examination would be withdrawn. This understanding was confirmed by a letter of that date delivered by fax to the US patent office by the applicant.

Copies of these two pieces of correspondence are attached.

To date, we have not received any further initiative from the Examiner. We asked for a confirmation as to the status of this application.

With respect to the Response filed after final action which has not yet been addressed by the Examiner, we wish to draw to the Examiner's attention that Claims 53-71 contain the limitation that the subject baseball bat is an all polymer bat. This is a considerable distinction from the prior claims, and this limitation is being added, reserving all rights of the applicant to file further applications by way of continuations, continuations in part or otherwise.

We await the response of the patent office here in.

Respectfully submitted,
Stephen Fitzgerald et al

Per: 

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